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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following report of the Joint Committee of the Houses of Parliament on the Bill to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings was presented to the Rajya Sabha on the 12th February, 1968:—

**COMPOSITION OF THE JOINT COMMITTEE ON THE CENTRAL
INDUSTRIAL SECURITY FORCE BILL, 1966**

MEMBERS

Rajya Sabha

1. Shrimati Violet Alva—*Chairman*.
2. Shri K. S. Ramaswamy
3. Shri M. P. Bhargava
4. Shri M. Govinda Reddy
5. Shri Nand Kishore Bhatt
6. Shri Akbar Ali Khan

7. Shri B. K. P. Sinha
8. Shri M. M. Dharia
9. Shri Krishan Kant
10. Shri Bhupesh Gupta
11. Shri K. Sundaram
12. Shri Rajnarain
13. Shri Banka Behary Das
14. Shri D. Thengari
15. Shri A. P. Chatterjee

Lok Sabha

16. Shri Vidya Dhar Bajpai
17. Shri D. Balarama Raju
18. Shri Rajendranath Barua
19. Shri Anil K. Chanda
20. Shri N. C. Chatterjee
21. Shri J. K. Choudhury
22. Shri Ram Dhani Das
23. Shri George Fernandes
24. Shri Indrajit Gupta
25. Shri Narain Swaroop Sharma
26. Shri S. Kandappan
27. Shri Kinder Lal
28. Shri Srinibas Mishra
29. Shri J. B. Singh
30. Shri Vikram Chand Mahajan
31. Shri A. Nesamony
32. Shri Dahyabhai Parmar
33. Shri Manibhai J. Patel
34. Shri Manubhai Patel
35. Shri Chaudhuri Randhir Singh
36. Shri S. K. Sambandhan
37. Shri P. G. Sen
38. Shri Shashi Ranjan
39. Shri Vidya Charan Shukla
40. Shri S. M. Siddayya

41. Shri N. K. Somani
42. Shri Tayappa Hari Sonavane
43. Shri R. Umanath
44. Shri Tenneti Viswanatham
45. Shri Y. B. Chavanffi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri G. R. Bal, Joint Secretary and Legislative Counsel.
Shri P. V. S. Peri Sastri, Deputy Legislative Counsel.

Ministry of Home Affairs

Shri T. C. A. Srinivasavardan, Joint Secretary.
Shri S. S. Varma, Deputy Secretary.
Shri G. S. Kapoor, Under Secretary.

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.
Shri S. P. Ganguly, Deputy Secretary.
Shri Amar Nandi, Under Secretary.

REPORT OF THE JOINT COMMITTEE

1. The Chairman of the Joint Committee to which the Bill* to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings, was referred, having been authorised to submit the Report on their behalf, present this their Report, with the Bill as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 2nd August, 1966. The motion for reference of the Bill to a Joint Committee of the Houses was moved on the 5th June, 1967 by Shri Y. B. Chavan, Minister of Home Affairs and was adopted by the House on the 6th June, 1967 (Appendix I).

3. The Lok Sabha discussed the motion on the 12th August, 1967, and while concurring in the said motion on the same day, recommended that the Joint Committee be intructed to report by the 1st day of the next (sixty-second) session of the Rajya Sabha (Appendix II).

4. The message from the Lok Sabha was reported to the Rajya Sabha on the 14th August, 1967 and the Rajya Sabha concurred in the recommendation of the Lok Sabha on the 17th August, 1967.

5. The Committee held twelve sittings in all.

6. At their first sitting held on the 19th August, 1967, the Committee decided that a Press Communique be issued advising such associations, organisations, etc. interested in the subject matter of the Bill to send memoranda thereon so as to reach the Rajya Sabha Secretariat by the 20th September, 1967. The Committee further decided to invite the views of the State Governments/Union Territories and some important trade union organisations on the provisions and other aspects of the Bill and to request them to send names of their representative(s), if they so desired, whom they would like to appear before the Joint Committee for giving oral evidence.

7. Twenty-seven memoranda/letters on the Bill were received by the Committee (Appendix III).

8. The Committee heard evidence tendered by thirteen witnesses (Appendix IV).

9. The Committee decided that the whole of the evidence tendered before them be laid on the Table of the House.

*Published in Part II, section 2 of the *Gazette of India Extraordinary*, dated the 2nd August, 1966.

10. The Report of the Committee was to be presented on the 20th November, 1967. The Committee were, however, granted an extension of time upto the 12th February, 1968.

11. The Committee considered the Draft Report on the 19th February, 1968 and adopted it on the same day.

12. The principal changes suggested by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs:

Clause 2

The Committee find that in some industrial undertakings officers who exercise control over the affairs of those undertakings are also designated as 'general manager' or 'chief executive officer.' The definition of "Managing Director" in sub-clause (1) (e) has been modified accordingly.

The Committee are of the view that the expression "superior officer" occurring in sub-clause (1) (i) should be replaced by the expression "supervisory officer". Necessary and consequential changes have also been made in the Bill accordingly.

Clause 8

The Committee are of the opinion that there is no necessity for providing for punishment of 'confinement to quarters' in view of the various punishments laid down in the clause. Hence the words "confinement to quarters for a period not exceeding fourteen days with or without punishment" have been omitted from sub-clause (b) of the clause.

Clause 10

The Committee feel that Government need not have the authority to empower any officer to specify the 'other installations' to be protected and safeguarded by the Security Force. Necessary changes have accordingly been made in para (b) of the clause.

The Committee are also of the opinion that before specifying any installation not owned or controlled by the Central Government as vital for carrying on the work of an industrial undertaking owned by the Central Government, the consent of the State Government in which the installation is situate should be obtained. A proviso to that effect has been added to para (b) of the clause.

Clause 11

The Committee are of the view that the power of arrest without any order from a Magistrate and without a warrant available to an officer or a member of the Force be restricted only in respect of cognizable offences relating to the property belonging to the industrial undertaking or the other installations considered vital for carrying on of work in that undertaking. Necessary changes have accordingly been made in the clause to achieve these objectives.

Clause 14

The Committee feel that the officers and members of the Force should not be deputed for the protection and security of an industrial undertaking owned, controlled or managed by a Government company of which Central Government is not a member or by a corporation established by or under a State Act unless the request for such a deputation is made with the consent of the Government of the State in which the undertaking is situate. A proviso to this effect has, therefore, been added to sub-clause (1) of the clause.

Clause 19

The Committee are of the opinion that the provisions of the Police (Incitement to Disaffection) Act, 1922 should be made applicable expressly to the supervisory officers also of the Force. The clause has accordingly been amended.

Clause 22

The Committee feel that specific provision may be made in the clause to provide for making of rules regarding the terms and condition subject to which supervisory officers and members of the Force may be deputed for the protection of industrial undertakings in the public sector and for the charges in respect thereof. A new paragraph(h) has accordingly been added to sub-clause (2) of the clause.

The other changes made by the Committee are of a consequential or verbal nature.

13. The Committee recommend that the Bill, as amended, be passed.

NEW DELHI;
February 10, 1968.

VIOLET ALVA,
Chairman of the Joint Committee

MINUTES OF DISSENT

I

In the penalty clause 8(b), the provision for confinement to quarters for a period not exceeding fourteen days, as was envisaged in the Bill, should remain as it is and I do not agree to its omission as such at the hands of the Joint Committee. Occasion may arise when and where application of such confinement to the members of the Force becomes a necessity in case they happen to misbehave regardless of public resentment against such misbehaviour. We cannot lose sight of the fact that there always is a township attached to a public undertaking.

Hence this note.

P. G. SEN

NEW DELHI;
January 25, 1968.

II

This Bill empowers the Central Government to have a Central Industrial Security Force which is similar to the Police Force and to have direct control over this Force. "Public order" and "Police" are subjects allotted to the State under the Constitution and the Centre has no powers to pass any legislation on these subjects except in cases contemplated in Articles 249, 250 and 252 of the Constitution. There has been no real need to invoke the provisions of these Articles.

2. Law and order is a State subject and it is the State Police who have to deal with law and order problems.

3. The Central Industrial Security Force, which would necessarily be a small unit, will not be able to tackle these problems independently of the State Police.

4. There have been no instances, so far as Madras State is concerned, wherein the State Government had any difficulty in regard to maintenance of law and order in respect of industrial undertakings. There is close liaison between the Intelligence Bureau of the Government of India, the State Police Officers and the Administrative heads of industrial undertakings of the Government of India.

5. Under clause 14(1) of the Bill, the Inspector General of the proposed Security Force may, on a request from an industrial undertaking in public sector, depute members of the Force for the protection of the industrial undertaking and according to the definition in clause 2(I) (c) of the Bill, a Corporation established by or under a State Act and controlled and managed by the State Government is an industrial undertaking in public sector. When members of the proposed Industrial Security Force are deputed to such undertakings, there will be an embarrassing situation to the State Government and the local Police.

6. Clauses 11 and 12 give very wide powers to the Security Force and this will result in abuse of powers with a possibility of that power being used against the interests of the workers.

7. Clause 13 of the Bill empowers an Officer of the proposed Security Force to arrest a man, but he shall make over such a person to a Police Officer or to the nearest Police Station. This even the existing watch and ward staff can do, and there is no point in having a Security Force with police powers and at the same time depending on the local Police for help.

8. According to clause 20 of the Bill, certain Acts are not to apply to members of the Force. This would mean that the members of this Force will be deprived of the benefits of such legislative measures while others working in the same industrial undertaking will be enjoying those rights and this will cause discontent among the Force.

9. The reasons given for the creation of the centrally administered Security Force are not convincing. If only the management of the industrial undertaking pay sufficient attention in the matter of recruitment of watch and ward staff, supervision, training and discipline, there would be no need to create a Security Force as is contemplated.

10. The establishment of Security Force is likely to create intensely complicated factors, especially when the Governments at the Centre and State are not headed by the same political party.

11. For the reasons given above, I am not in favour of the Central Industrial Security Force Bill, 1966.

K. SUNDARAM

COIMBATORE;

February 7, 1966.

III

We are sorry that we cannot lend our support to this Bill, which tries to raise a security force under the control of the Government of India for the industrial undertakings, primarily under the Central Government. Provision has also been made to extend its power to State Government undertakings either wholly or partially owned by them, if the services of the force are required by them.

By implication the Bill casts reflection on the sense of responsibility and patriotism of the employees of the public sector undertakings. If the employees ever become what this Bill presumes them to be, even the proposed industrial security force will fail to achieve the object for which it is being raised.

It takes away partially the power of the police in the locality in which the force will be operating, as the security force can arrest and or search a man without warrant or without any order from the Magistrate. Though after this, they are expected to hand over the person to the local police, the preliminary steps of arrest and or search are tantamount to the power of the police. This will sometimes create misunderstanding between these two authorities operating in an area, which instead of solving the law and order problem will aggravate it. This may also lead to conflict and friction between a state and the Centre, particularly when after emergence of Governments of differing political persuasions, the Centre-State relations have entered upon a new phase which needs constant attention. Any step like creation of this force will give a new dimension of adverse nature to the whole problem.

We do not agree with the presumption that the proposed force shall not work properly if it is required to discharge its function "under the general supervision, direction and control" of its own superior in the security force. There can persist a very effective line of communication between the Managing Director and the officer concerned.

The creation of this force which will virtually function according to the wishes of the Managing Director of the public sector undertaking, will widen the gulf between the management and the workers. The management will have the tendency to use this force for curbing the legitimate Trade Union activities. This will create more of labour unrest in the public sector undertakings. This has been also hinted by some executive chiefs of public sector undertakings and the representatives of the Trade Unions and Central

Labour Organisations who appeared before the Joint Select Committee. This is not an apprehension only. The existing unhappy labour relations are bound to deteriorate because of this power in the hands of the management.

We are entirely one with the objective of streamlining the watch and ward organisation, which has not been up to the mark, because the undertakings never follow a proper recruitment policy and training. If recruitment is done in proper manner for the job without any favouritism and nepotism and proper training for the job is given, they will serve the purpose. Even the Centre can conduct scientific and modern training for them and send them back to the undertakings under whom they had been appointed. This will well serve the purpose without importing the demerits that the Central Industrial Security Force will bring in in its trail.

NEW DELHI;
February 11, 1968.

BANKA BEHARY DAS
D. THENGARI
SRINIBAS MISHRA

IV

The Joint Committee has suggested only minor changes in the Bill. These will have the effect, if approved by Parliament of leaving intact the Bill's principal features which I consider to be thoroughly anti-democratic, reactionary and retrograde.

The Bill, taken as a whole, is objectionable for the following reasons:—

- (i) Conditions prevailing in the country do not at all justify the setting up of a Central Security Force of the type envisaged in the Bill;
- (ii) Despite all efforts by official spokesmen to claim that the proposed Force will only be taking over the duties and functions of the existing watch and ward staff, it is clear that what is envisaged is full-scale police organisation, equipped with weapons and vehicles and armed with draconian repressive powers;

- (iii) If such a security force could be dispensed with during the entire period (1962—67) of the recent Emergency there is absolutely no valid ground for such an extraordinary apparatus being set up after the proclamation of Emergency has been revoked;
- (iv) Whatever the position in law may be, the Bill amounts in practice, to the constitution of a dual authority (Central and State) for dealing with a law and order problem which has hitherto been within the exclusive competence of the State Governments. This is an unprecedented step which is likely to cause serious complication of a practical nature, especially in view of the entirely new political situation in the country in which the Governments at the Centre and in various States are no longer run by a single political party; the whole fabric of Centre-State relations may be prejudicially affected by a Bill of this nature;
- (v) The proposed security force constitutes a grave potential threat to make union activities in the industrial undertakings concerned. In every normal industrial dispute between employers and employees the Managing Director of an undertaking is not a "neutral" person but one of the parties directly concerned with that dispute, and to invest him with the power of summoning the services of the security force whenever he feels the necessity thereof amounts to placing in the management's hands, and at its back and call, an instrument of repression, intimidation and terror against the workers. This can never be accepted by the trade union movement.

Apart from the above-stated general objections, the Bill contains dangerous specific provisions, especially in its clauses 10 and 11, whereby, firstly, the Force may be deployed in practically any industrial undertaking even if the latter is not owned, controlled or managed by the Central Government; and, secondly, officers of the Force are sought to be invested with most obnoxious and sweeping powers of arrest without warrant or magisterial order.

This Bill cannot be amended. It should be ended. Even at this stage, it should be withdrawn.

NEW DELHI;
February 11, 1968.

INDRAJIT GUPTA

V

The sponsors of the Bill would like us to believe that its sole intention was to improve on the present Watch and Ward working at the Public Sector Undertakings. But instead, the Bill provides for a parallel police force, in gross violation of the Seventh Schedule of our Constitution which envisages law and order as exclusive State subjects.

Every care was taken to see that the provisions of the Bill do not go against the letters of the Constitution but the anxiety shown by the Government to compromise and combat the provisions in the Constitution, instead of upholding them as their custodian, smacks of dictatorial attitude on the part of the Central Government. Though the Indian Constitution is considered to be federal or quasi-federal in character, there has been a constant erosion by the Central Government of the powers vested in the States, reducing them to the level of municipalities. Now through this Bill, the Central Government is arrogating to itself even the policing of the State, infringing on the exclusive rights and responsibilities of the State to maintain law and order within its territory.

Even Congress Chief Ministers of States in some cases refused to give their concurrence to this Bill. Shri P. C. Sen the former Chief Minister of West Bengal in his letter, dated 7th December, 1964 to the then Home Minister Shri G. L. Nanda, has thought this measure to be a "serious encroachment on the State sphere". The present Government of Mysore "has carefully examined the proposal for creation of the Central Industrial Security Force, and are of the view that the apparent advantages of the proposal are outweighed by the fact, among others, that it is likely to impair the responsibility of the State Police for maintaining law and order, in the industrial areas. The State Government are, therefore, not agreeable to the creation of Central Industrial Security Force which is the object of this Bill." However subsequently the State Government has modified its stand taking into account the remarks of the Home Minister in the Rajya Sabha to the effect that it is only an improvement on the Watch and Ward, and came with the second reply that "if this is the objective then the State Government have no further remarks to offer." The Government of Assam another Congress Government "is of the view that too much proliferation of separate formations to handle the different varieties of functions, is neither necessary nor desirable." According to them "such measures for creation of islands of Central Police, tend to encroach upon the legitimate sphere of the State responsibilities. The State Government

would not therefore favour the idea of going in for the said legislation."

The Government of Kerala view this as an "inroad into the autonomy of the State", and according to the Government of Punjab it "violates the very principle on which our Constitution is based." The Tamilnad Government feels that "the force will virtually be a private police under the managing director of a Public Sector Undertaking," and "it will be sad reflection on the capacity of the State Government to protect properly industrial undertakings in their areas."

Not a single trade union leader who appeared before the Select Committee has supported the measure. Only the Indian National Trade Union Congress which preferred not to nominate any representative to appear before the Committee has offered in writing its conditional support "looking to the extraordinary conditions the country is passing through." What these extraordinary conditions are, are not properly enumerated.

The representatives from the management side who appeared before the Committee, though in general agreement with the objective of improving the Watch and Ward, did not evince any keen interest or feel it inevitable that only a central force of the type contemplated in this Bill could do it. In fact, no body from the management side has even remotely hinted that he could not rely on the State police and visualise any eventuality which will be beyond the competence of the State Police to deal with.

An interesting feature of the evidence is from the Inspector General of the Railway Protection Force, the head of the Railway Protection Force, on whose model the constitution of the Industrial Security Force is contemplated. He was unable to convincingly prove to the Committee that his force has improved the situation in the Railways. In fact, when some of us suspected that the pilferage has increased in the Railways after the constitution of the Protection Force, our charges were not refuted. It looks that there is a case for winding up that Protection Force and not for setting up a new force on that model.

If the object is only to improve the working of the present Watch and Ward, we need altogether a different kind of measure and nobody could legitimately object to that. As the Government of Tamilnad has rightly pointed out "the defects in the present system have not been sufficiently made out to be beyond rectification."

Instead of rectifying the defects the Bill tries to wreck the little federalism that is still left in our Constitution. The increasing erosion of the normal jurisdiction and authority of the State by the Centre does not augur well for the maintenance of balanced and healthy Centre-State relationships. What is at stake is the very survival of democracy in this country. Hence we totally reject this Bill.

S. KANDAPPAN

NEW DELHI;

February 12, 1968.

VI

The Central Industrial Security Force Bill, if passed into law, will have the effect of further erosion on Centre-State relations and will also be another addition to the series of repressive measures against the Trade Union Movement in India. The Bill seeks to create a super Police Force independent of the authority of the State with power to search and arrest without warrant and without any orders from the Magistrate, to be stationed in all States, thereby creating bases of operation for parallel central police action in each State. It will be constituted and maintained by the Central Government allegedly for the protection and security of industrial undertakings owned by the Central Government but according to section 10(b) and 10(c) of the Bill read with section 14 of the Bill the force will also be used to protect and safeguard such other installations as are specified by that Government to be vital for carrying on of work in those undertakings and also the undertakings in Public Sector if so deputed. That would make the Central Security Force a highly flexible instrument for being used in a wide variety of undertakings and the net will be wide enough to cover a great number of installations which may have something or other to do with the undertakings owned by the Central Government or in the public Sector.

We have great doubts whether the Constitution authorises the creation of such a police force independent of the State authority because the "Police" is a State subject (Item No. 2, 7th Schedule,—State List). Reference to the Railway Protection Force Act would not be apposite because, apart from the fact that the Railway Protection Force Act is subject to the same criticism of gross interference in the State's exclusive sphere of law and order, the Railway

Protection Force would by the nature of duties be moving from the territory of one State to another and there might be some justification for such a centrally administered force. The same reasons would not however be available in the present instance. The problems of protection of industrial undertakings and installations would be similar to, and even identical with, the problems of law and order which every State has to tackle. The forces operating in a Central Government undertaking within a State would be the same as the forces operating in the rest of the territory of the State. It would be completely unreasonable to create an artificial boundary between the sphere of law and order to be tackled by the State Government and the sphere of law and order to be tackled by the Central Government. Certainly it cannot be urged that the Police of the States are incapable of protecting the Central Government properties, and it has not in fact been so urged in support of the Bill.

A good number of the State Governments cutting across party barriers and at least one manager of a public sector undertaking have therefore given their considered opinion that they do not consider it advisable or necessary to set up such a Central Security Force. They have also opined that the Police Forces of a State are competent enough to secure the protection of Central Government or Public Sector undertakings. Moreover, if there is such a disturbance that the State Police Forces cannot cope with the situation, a State Government can always ask for help under Article 355 of the Constitution and the Central Government is in such circumstances bound by duty to render such help and give such protection.

It is interesting to note in this connection that the idea of forming such a force did not emanate from the management of either the public sector or the Central Government undertakings. Even the Industrial Security Adviser to the Government of India who claims to be the author of the proposal admitted that his proposal was not based on any concrete study of the existing security arrangements or an analysis of the number and nature of the anti-social acts and happenings over a period in public sector or Government owned undertakings.

In view of its corrosive effect on the powers of the States the Governments of several States like that of West Bengal even when it was under Shri P. C. Sen as the Chief Minister opposed the idea of the creation of such a central force. This resulted in the proposal being shelved for a time.

But in face of growing struggles of the working class in the various public sector undertakings consequent on the "recession" and its effect, the proposal was revived again and the Bill was introduced in Parliament in 1966.

It seems that the need for this measure was realised after the defeat of the ruling party in the last general elections in various states. The Bill is therefore highly resented by the working class.

As important trade union representatives and organisations have submitted before the joint committee, the real reason appears to be to create a force which could be used to crush trade union and workers movements. One of the witnesses representing public sector undertaking candidly admitted that the private sector does it by employing roughs and goondas and, as public sector cannot do it in that fashion, they must have such a force as this.

In summing up,

1. The Bill encroaches upon even the vestige of autonomy left in the states.
2. It will further strain the already strained State-Central relations and accentuate the cleavage between the two.
3. The Bill seeks to provide the Central Government with an instrument to break the democratic struggles of the working class.

The Bill therefore requires to be rejected outright.

NEW DELHI;
February 12, 1968.

N. C. CHATTERJEE
R. UMANATH

A. P. CHATTERJEE

Bill No. XIV-B of 1966

**THE CENTRAL INDUSTRIAL SECURITY FORCE
BILL, 1966**

(AS REPORTED BY THE JOINT COMMITTEE)

[Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.]

A

BILL

to provide for the constitution and regulation of a Force called the Central Industrial Security Force for the better protection and security of certain industrial undertakings.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Industrial Security Force Act, 1968.

Short title,
extent
and com-
mence-
ment,

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "Force" means the Central Industrial Security Force constituted under section 3;

(b) "industrial undertaking" means any undertaking pertaining to a scheduled industry and includes an undertaking engaged in any other industry, or in any trade, business or service which may be regulated by Parliament by law;

(c) "industrial undertaking in public sector" means an industrial undertaking owned, controlled or managed by—

(i) a Government company as defined in section 617 of the Companies Act, 1956,

1 of 1956.

(ii) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by the Government;

(d) "Inspector-General" means the Inspector-General of the Force appointed under section 4;

(e) "Managing Director", in relation to an industrial undertaking, means the person (whether called a managing agent, general manager, manager, chief executive officer or by any other name) who exercises control over the affairs of that undertaking;

(f) "member of the Force" means a person appointed to the Force under this Act other than a supervisory officer;

25

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheduled industry" means any industry engaged in the manufacture or production of the articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951;

65 of 1951.

(i) "supervisory officer" means any of the officers appointed under section 4 and includes any other officer appointed by the Central Government as a supervisory officer of the Force.

(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

35

3. (1) There shall be constituted and maintained by the Central Government a Force to be called the Central Industrial Security Force for the better protection and security of Industrial undertakings owned by that Government.

Constitution of the Force.

5 (2) The Force shall be constituted in such manner, shall consist of such number of supervisory officers and members of the Force who shall receive such pay and other remuneration as may be prescribed.

4. (1) The Central Government may appoint a person to be the Inspector-General of the Force and may appoint other persons to be
10 Deputy Inspectors-General, Chief Security Officers or Security Officers of the Force.

Appointment and powers of supervisory officers.

(2) The Inspector-General and every other supervisory officer so appointed shall have, and may exercise, such powers and authority as is provided by or under this Act.

15 5. The appointment of members of the Force shall rest with the Inspector-General who shall exercise that power in accordance with rules made under this Act:

Appointment of members of the Force.

Provided that the power of appointment under this section may also be exercised by such other supervisory officer as the Central
20 Government may by order specify in this behalf.

6. (1) Every member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Inspector-General or such other supervisory officer as the Inspector-General may specify in this behalf, by virtue of which the
25 person holding such certificate shall be vested with the powers of a member of the Force.

Certificates of members of the Force.

(2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force.

30 7. (1) The superintendence of the Force shall vest in the Central Government, and subject thereto the administration of the Force shall vest in the Inspector-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

Superintendence and administration of the Force.

35 (2) Subject to the provisions of sub-section (1), the administration of the Force within such local limits as may be prescribed shall be carried on by a Deputy Inspector-General, Chief Security Officer or Security Officer in accordance with the provisions of this Act and of any rules made thereunder and every supervisory officer placed in

charge of the protection and security of an industrial undertaking shall, subject to any directions that may be given by the Central Government in this behalf, discharge his functions under the general supervision, direction and control of the Managing Director of that undertaking. 5

Dismissal,
removal,
etc., of
members
of the
Force.

8. Subject to the provisions of article 311 of the Constitution and to such rules as the Central Government may make under this Act, any supervisory officer may—

(i) dismiss, suspend or reduce in rank any member of the Force whom he*** thinks remiss or negligent in the discharge of his duty, or unfit for the same; or 10

(ii) award any one or more of the following punishments to any member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:— 15

(a) fine to any amount not exceeding seven days' pay or reduction in pay scale;

(b) * * * drill, extra guard, fatigue or other duty;

(c) removal from any office of distinction or deprivation of any special emolument. 20

Appeal
and
revision.

9. (1) Any member of the Force aggrieved by an order made under section 8 may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed, and subject to the provisions of sub-section (3), the decision of the said authority thereon shall be final: 25

Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. 30

(2) In disposing of an appeal the prescribed authority shall follow such procedure as may be prescribed.

(3) The Central Government may call for and examine the record of any proceeding under section 8 or under sub-section (2) of this section and may make such inquiry or cause such inquiry to be made and subject to the provisions of this Act, may pass such orders thereon as it thinks fit: 3,

Provided that no order imposing an enhanced penalty under sub-section (2) or sub-section (3) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.

5 10. It shall be the duty of every supervisory officer and member of the Force—

Duties of members of the Force.

(a) promptly to obey and execute all orders lawfully issued to him by his superior authority;

10 (b) to protect and safeguard the industrial undertakings owned by the Central Government together with such other installations as are specified by that Government * * * * to be vital for the carrying on of work in those undertakings, situate within the local limits of his jurisdiction:

15 | Provided that before any installation not owned or controlled by the Central Government is so specified, the Central Government shall obtain the consent of the Government of the State in which such installation is situate;

20 (c) to protect and safeguard such other industrial undertakings and installations for the protection and security of which he is deputed under section 14;

(d) to do any other act conducive to the better protection and security of the industrial undertakings referred to in clauses (b) and (c).

25 | 11. (1) Any supervisory officer or member of the Force may, without any order from a Magistrate and without a warrant, arrest any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in, or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, a cognizable offence relating to,—

Power to arrest without warrant.

(i) the property belonging to any industrial undertaking, or

(ii) the other installations,

referred to in clauses (b) and (c) of section 10.

35 (2) If any person is found trespassing on the premises of any industrial undertaking referred to in clauses (b) and (c) of section 10, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises by any supervisory officer or member of the Force.

Power to
search
without
warrant.

12. (1) Whenever any supervisory officer, or any member of the Force, not below the prescribed rank, has reason to believe that any such offence as is referred to in section 11 has been or is being committed and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence 5 of the offence, he may detain the offender and search his person and belongings forthwith and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.

(2) The provisions of the Code of Criminal Procedure, 1898, 5 of 1898. relating to searches under that Code shall, so far as may be, apply 10 to searches under this section.

Procedure
to be fol-
lowed
after
arrest.

13. Any supervisory officer or member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the near- 15 est police station together with a report of the circumstances occasioning the arrest.

Deputa-
tion of the
Force to
industrial
under-
takings
in public
sector.

14. (1) Subject to any general directions which may be issued by the Central Government, it shall be lawful for the Inspector-General, on a request received in this behalf from the Managing 20 Director concerned of an industrial undertaking in public sector, showing the necessity thereof, to depute such number of super-
visory officers and members of the Force as the Inspector-General may consider necessary for the protection and security of that indus- 25 trial undertaking and any installations attached thereto and the officers and members of the Force so deputed shall be at the charge of the Managing Director:

Provided that in the case of an undertaking, owned, controlled or managed,—

(i) by a Government company of which the Central Gov- 30 ernment is not a member;

(ii) by a Corporation established by or under a Provincial or State Act,

no such request shall be entertained unless it is made with the con- 35 sent of the Government of the State in which the undertaking is situate.

(2) If the Inspector-General is of the opinion that circumstances necessitating the deputation of the officers and members of the Force in relation to an industrial undertaking under sub-section (1) have ceased to exist, or for any other reason it is necessary so to do 40 he may after informing the Managing Director of that industrial undertaking, withdraw the officers and members of the Force so deputed;

Provided that the Managing Director may, on giving one month's notice in writing to the Inspector-General require that the officers and members of the Force so deputed shall be withdrawn, and the Managing Director shall be relieved from the charge from the date
5 of expiration of such notice or from any earlier date on which the Force is so withdrawn.

(3) Every officer and member of the Force, while discharging his functions during the period of deputation, shall continue to exercise the same powers and be subject to the same responsibilities, discipline and penalties as would have been applicable to him under this
10 Act, if he had been discharging those functions in relation to an industrial undertaking owned by the Central Government.

15 15. (1) Every supervisory officer and member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within India.

(2) Save as provided in section 14, no supervisory officer or member of the Force shall engage himself in any employment or office other than his duties under this Act.

Officers and members of the force to be considered always on duty and liable to be employed anywhere in India.

20 16. A member of the Force shall not by reason of his suspension from office cease to be a member of the Force; and he shall, during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

Responsibilities of members of the Force during Suspension.

25 17. (1) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any supervisory officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of duties as a member of the Force.

Surrender of certificate arms, etc., by persons ceasing to be members of the Force.

30 (2) Any person who wilfully neglects or refuses to surrender his certificate of appointment or the arms, accoutrements, clothing and other articles furnished to him, as required by sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two
35 hundred rupees, or with both.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalties
for
neglect
of duty,
etc.

18. (1) Without prejudice to the provisions contained in section 8, every member of the Force who shall be guilty of any violation 5 of duty or wilful breach or neglect of any rule or regulation or lawful order made by a supervisory officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself with- 10 out authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall, on conviction, be punished with imprisonment for a term which may extend to six months.

(2) Notwithstanding anything contained in the Code of Criminal 15 Procedure, 1898, an offence punishable under this section shall be 5 of 1898. cognizable.

(3) Nothing contained in this section shall be construed to prevent any member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for be- 20 ing liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section:

Provided that no person shall be punished twice for the same offence.

Applica-
tion of
Act 22 of
1922 to
officers
and mem-
bers of
the Force.

19. The Police (Incitement to Disaffection) Act, 1922, shall 25 apply to supervisory officers and members of the Force as it applies to members of a police force.

Certain
Acts not
to apply to
members
of the
Force.

20. Nothing contained in the Payment of Wages Act, 1936, or the 4 of 1936. Industrial Disputes Act, 1947, or the Factories Act, 1948, or any 14 of 1947. corresponding law relating to investigation and settlement of in- 30 63 of 1948. dustrial disputes in force in a State shall apply to members of the Force.

Protection
of acts of
officers
and mem-
bers of
the Force.

21. (1) In any suit or proceeding against any supervisory officer or member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was 35 done by him under the orders of a competent authority.

(2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the supervisory officer or

member of the Force shall thereupon be discharged from any liability in respect of the Act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any supervisory officer or member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his supervisory officer at least one month before the commencement of such proceeding.

22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) regulating the classes, ranks, grades, pay and remuneration of supervisory officers and members of the Force and their conditions of service in the force;

(b) regulating the powers and duties of supervisory officers and members of the Force authorised to exercise any functions by or under this Act;

(c) fixing the period of service for supervisory officers and members of the Force;

(d) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles to be furnished to the members of the Force;

(e) prescribing the places of residence of members of the Force;

(f) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

(g) regulating the punishments and prescribing authorities to whom appeals shall be preferred from orders of punishment or remission of fines or other punishments, and the procedure to be followed for the disposal of such appeals;

(h) the terms and conditions subject to which supervisory officers and members of the Force may be deputed under section 14 and the charges therefor, and

(i) any other matter which has to be, or may be, prescribed.

5

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of 15 any thing previously done under that rule.

THE SCHEDULE

(See section 6)

A.B. has been appointed a member of the Central Industrial Security Force under the Central Industrial Security Force Act, 1968, and is vested with the powers, functions and privileges of a member of the Force.

B. N. BANERJEE,
Secretary.